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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,009	07/25/2001	Janne Linkola	2132-49PCON	5161

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT PAPER NUMBER

2686

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,009

Applicant(s)

Linkola

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 and 19 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on August 19, 2005. **Claims 1-3, 5-11, and 13-16** are now pending in the present application. **This Action is made NON-FINAL.**

Drawings

2. The replacement drawing sheet received on August 19, 2005 is accepted by the Examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness

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or nonobviousness.

4. **Claims 1-3 and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's admission of prior art** in view of **Sawyer et al. (U.S. Patent # 5,946,629)** and further in view of **Brilla et al. (U.S. Patent # 6,389,276 B1)**.

Consider **claims 1-3**, the preamble of claim 1 is considered admitted prior art because claim 1 is a Jepson-type claim (see MPEP 2129), therefore, Applicant's admission of prior art discloses in a method for routing a short a message into a data network in a telecommunication system that includes a mobile communication network to which the data network is connected, a telecommunication terminal connected to the mobile communication network, and a first short message service center connected to the mobile communication network and defined in the telecommunication terminal for use by the telecommunication terminal in connection with short messaging, and wherein a short message addressed to a predetermined destination number is routed from the telecommunication terminal to the first short message service center, a mobile switching center in a numerical range of the mobile communication network is determined from the predetermined destination number of the addressed short message, and the short message is routed in Mobile Terminated format from the first short message service center to the predetermined destination number.

However, Applicant's admission of prior art fails to disclose the steps of:
routing the short message from the first short message service center to a converter component based on the predetermined destination number which refers to the converter

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component and which is in the numerical range of the mobile communication network; and

routing the short message from the converter component into the data network,

wherein the converter component is disposed at a network address corresponding to the mobile switching center (claim 2) and

wherein the data network is connected to the converter component (claim 3).

In the same field of endeavor, Sawyer et al. clearly show and disclose a method for routing a short message into a data network 20(2), 20(3) 122, 132 (figures 1 and 3) including the steps of:

routing the short message from a short message service center (MC) 22 (first short message service center) (figure 1) to an inter-network communications functionality (ICF) 28 (converter component) (figure 1) based on a destination identifier/number (predetermined destination number) which refers to the ICF 28 (converter component) (figure 1) and which is in the numerical range of the mobile communication network (i.e., destination number corresponds to the numbering scheme used in the network) (abstract, figures 1, 2C, 2D, and 3, column 2 lines 6-19 and 27-41, column 3 lines 47-61, column 4 lines 3-9, column 4 line 48 - column 5 line 5, and column 5 line 21 - column 6 line 43); and

routing the short message from the ICF 28 (converter component) (figure 1) into the data network 20(2), 20(3) 122, 132 (abstract, figures 1, 2C, 2D, and 3, column 2 lines 6-19 and 27-41, column 3 lines 47-61, column 4 lines 3-9, column 4 line 48 - column 5 line 5, and column 5 line 21 - column 6 line 43),

wherein the ICF 28 (converter component) is disposed at a network address

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corresponding to a mobile switching center (MSC) 18 (figure 1 and column 3 lines 26-28 and 47-52), and

wherein the data network 20(2), 20(3) 122, 132 is connected to the ICF 28 (converter component) (figure 1 and column 3 lines 47-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the step of routing the short message to an ICF 28 (converter component) as taught by Sawyer et al. into Applicant's admission of prior art in order to provide seamless routing of short messages between subscribers of disparate networks by converting the short messages in the ICF 28 (converter component).

However, Applicant's admission of prior art, as modified by Sawyer et al. above, fails to specifically disclose the step of converting, in the converter component, the predetermined destination number of the short message into a second destination number that refers to the data network.

In the same field of endeavor, Brilla et al. further disclose method of providing a notification message comprising, among other steps, the step of converting, in a message platform 112 (converter component) (figure 2), a destination address/identifier/number (predetermined destination number) of the notification (short) message to an address of the destination (second destination number) that refers to the data network 120, 124 (column 9 lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further incorporate the step of converting, in the converter component,

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the destination address/identifier/number (predetermined destination number) of the short message to an address of destination (second destination number) that refers to data network as taught by Brilla et al. into Applicant's admission of prior art, as modified by Sawyer et al., in order to provide seamless routing of messages between subscribers of disparate networks by converting the messages in the converter component.

Consider **claims 9-11**, the preamble of claim 9 is considered admitted prior art because claim 9 is a Jepson-type claim (see MPEP 2129), therefore, Applicant's admission of prior art discloses in a system for routing a short a message into a data network in a telecommunication system that includes a mobile communication network to which the data network is connected, a telecommunication terminal connected to the mobile communication network, and a first short message service center connected to the mobile communication network and defined in the telecommunication terminal for use by the telecommunication terminal in connection with short messaging, and wherein a short message addressed to a predetermined destination number is routed from the telecommunication terminal to the first short message service center, a mobile switching center in a numerical range of the mobile communication network is determined from the predetermined destination number of the addressed short message, and the short message is routed in Mobile Terminated format from the first short message service center to the predetermined destination number.

However, Applicant's admission of prior art fails to disclose:

a converter component connected to the mobile communication network and referred to by a destination number in the numerical range of the mobile communication network;

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means for routing the short message from the first short message service center to the converter component based on the predetermined destination number which refers to the converter component; and

means for routing the short message from the converter component into the data network, wherein the converter component is located at a network address corresponding to the mobile switching center (claim 10) and

wherein the data network is connected to the converter component (claim 11).

In the same field of endeavor, Sawyer et al. clearly show and disclose a system for routing a short message into a data network 20(2), 20(3) 122, 132 (figures 1 and 3) including:

an inter-network communications functionality (ICF) 28 (converter component) (figure 1) connected to the mobile communication network and referred to by a destination identifier/number (destination number) in the numerical range of the mobile communication network (i.e., destination number corresponds to the numbering scheme used in the network) (abstract, figures 1, 2C, 2D, and 3, column 2 lines 6-19 and 27-41, column 3 lines 47-61, column 4 lines 3-9, column 4 line 48 - column 5 line 5, and column 5 line 21 - column 6 line 43); and

means for routing (figure 1) for routing the short message from a short message service center (MC) 22 (first short message service center) (figure 1) to the ICF 28 (figure 1) based on the destination identifier/number (predetermined destination number) which refers to the ICF 28 (converter component) and for routing the short message from the ICF 28 (converter component) (figure 1) into the data network 20(2), 20(3) 122, 132 (abstract, figures 1, 2C, 2D, and 3, column 2 lines 6-19 and 27-41, column 3 lines 47-61, column 4 lines 3-9, column 4 line 48 - column 5

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line 5, and column 5 line 21 - column 6 line 43),

wherein the ICF 28 (converter component) is disposed at a network address corresponding to a mobile switching center (MSC) 18 (figure 1 and column 3 lines 26-28 and 47-52), and

wherein the data network 20(2); 20(3) 122, 132 is connected to the ICF 28 (converter component) (figure 1 and column 3 lines 47-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the ICF 28 (converter component) taught by Sawyer et al. into Applicant's admission of prior art in order to provide seamless routing of short messages between mobile subscribers of disparate networks by converting the short messages in the ICF 28 (converter component).

However, Applicant's admission of prior art, as modified by Sawyer et al. above, fails to specifically disclose that the converter component comprises means for converting the predetermined destination number into a second destination number that refers to the data network.

In the same field of endeavor, Brilla et al. further disclose a system for providing a notification message comprising, among other components, a message platform 112 (means for converting/converter component) (figure 2) for converting a destination address/identifier/number (predetermined destination number) of the notification (short) message to an address of the destination (second destination number) that refers to the data network 120, 124 (column 9 lines 1-20).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further incorporate the means for converting, in the converter component, the destination address/identifier/number (predetermined destination number) of the short message to an address of destination (second destination number) that refers to data network as taught by Brilla et al. into Applicant's admission of prior art, as modified by Sawyer et al., in order to provide seamless routing of messages between subscribers of disparate networks by converting the messages in the converter component.

Allowable Subject Matter

5. **Claims 5-8 and 13-16** are allowed.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-3 and 9-11** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450

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Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

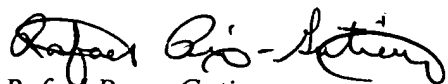
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-

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2600.

A handwritten signature in black ink, appearing to read 'Rafael Perez-Gutierrez', with a stylized flourish at the end.

Rafael Perez-Gutierrez

R.P.G./rpg

RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER

October 25, 2005